

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**ELI LILLY AND COMPANY,**

**Plaintiff,**

**v.**

**ACTAVIS ELIZABETH LLC,  
GLENMARK PHARMACEUTICALS,  
INC., *et al.*,**

**Defendants.**

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**Civil Action No. 07-3770 (DMC)**

**ORDER**

**THIS MATTER** having come before the Court by way of Defendants' letter dated January 6, 2010, requesting Court approval to substitute an expert witness, and upon Plaintiff's response dated January 20, 2010 [CM/ECF No. 505], and it appearing that:

1. By letter dated January 6, 2010, Defendants requested that the Court: (a) approve the substitution of Dr. James Johnson as one of its expert witnesses in place of Dr. Atul Shukla, their prior expert who had recently passed; (b) allow Dr. Johnson to submit an expert report, which would adopt Dr. Shukla's report; and (c) permit Plaintiff to elicit Dr. Johnson's testimony at deposition.
2. On January 11, 2010, the Undersigned issued an Order directing Plaintiff to submit its response to Defendants' application, if any, on or before January 20, 2010.
3. On January 20, 2010, Plaintiff submitted a letter to the Court outlining an agreement the parties have apparently reached to resolve the dispute over Dr. Johnson's report and testimony. See CM/ECF No. 505.

4. The parties' agreement is acceptable to the Court.

**ACCORDINGLY, IT IS on this 22<sup>nd</sup> day of January 2010,**

**ORDERED** that Defendants may substitute Dr. James Johnson as one of its expert witnesses in place of Dr. Shukla; and it is further

**ORDERED** that Plaintiff is permitted to depose Dr. Johnson in accordance with the parties' agreement set forth in Plaintiff's correspondence dated January 20, 2010.

s/Mark Falk

**MARK FALK**

**United States Magistrate Judge**